

**SAO**  
DENNIS M PRINCE, ESQ.  
Nevada Bar No. 5092  
TRACY A. EGLET, ESQ.  
Nevada Bar No. 6419  
JOSEPH TROIANO, ESQ.  
Nevada Bar No. 012505  
**EGLET PRINCE**  
400 South 7<sup>th</sup> Street, 4<sup>th</sup> Floor  
Las Vegas, Nevada 89101  
E-Mail: [eservice@egletlaw.com](mailto:eservice@egletlaw.com)  
Tel.: (702) 450-5400  
Fax: (702) 450-5451  
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TAMECIA BROWN,  
  
Plaintiff,

vs.

ALBERTSON'S, LLC, a foreign limited liability  
company; DOES I through X; and ROE ENTITIES  
I through X,  
  
Defendants.

Case No. 2:16-CV-01991-JAD-PAL

**STIPULATION AND ORDER  
REGARDING FRCP 35  
MEDICAL EXAMINATION OF  
PLAINTIFF BY  
DR. SELZNICK**

**Date of Exam: March 01, 2018  
Time of Exam: 12:00 P.M.  
Location: 2500 W. Sahara Ave.,  
Suite 207, Las Vegas, Nevada  
89102.**

**IT IS HEREBY STIPULATED AND AGREED** between Plaintiff, Tamecia Brown by  
and through her counsel of record, EGLET PRINCE, and Defendant ALBERTSONS, LLC., by  
and through its counsel of record, Justin W. Smerber, Esq., of MORAN BRANDON  
BENDAVID MORAN, that the following parameters concerning the Plaintiff's Rule 35  
Examination with Hugh S. Selznick, M.D. shall be imposed:

1. No other persons shall be present during the examination other than the Plaintiff, the designated physician and members of his staff.
2. The examination shall be limited exclusively to the area of the examining physician's expertise, orthopedic surgery. The physician's examination shall only cover those parts of Plaintiff's body that fall directly within the scope of the examining physician's expertise, orthopedic surgery and that are in controversy, specifically Plaintiff's cervical spine and right shoulder, and knees as documented by Plaintiff's treating physicians and medical experts.
3. The examination shall last no longer than two (2) hours.
4. The examination shall start no later than 12:30 p.m. In the event that the FRCP Rule 35 medical examination does not start at 12:30 p.m., Plaintiff may leave.
5. The examining physician will not conduct any diagnostic tests, procedures that are painful, protracted or intrusive, or unreasonably invasive, nor conduct any diagnostic imaging. Plaintiff will not bring any diagnostic imaging to the examination.
6. Medical Billing, Medical Records, and Diagnostic Films have been produced during litigation. Defendants will be responsible for providing them to the chosen examining physician.
7. Defendants shall produce a report prepared by the examining physician to Plaintiff's counsel by April 2, 2018 (rebuttal expert deadline as proposed by the parties).
8. Plaintiff shall not answer any questions, which pertain to issues of liability. Dr. Selznick may ask Plaintiff questions regarding how her body moved when she began to fall.
9. Plaintiff shall not fill out any paperwork at the examination.
10. The examining physician must be provided with a copy of this Stipulation and Order prior to the examination.
11. Plaintiff shall not pay or incur any fee and shall use her best efforts to appear at the office of the examining physician at the scheduled date and time of the examination. In the event that Plaintiff fails to appear, and Defendant is charged with a cancellation fee, Defendant may seek to recover those fees from Plaintiff.

12. The parties agree and stipulate that the exam is being conducted pursuant to FRCP 35 and the parties and examiner agree to comply with the provisions of FRCP 35.

IT IS SO STIPULATED.

Dated this 27 day of February, 2018.

Dated this 27 day of February, 2018.


**EGLET PRINCE**

**MORAN BRANDON BENDAVID MORAN**

/s/ Joseph J. Troiano, Esq.  
DENNIS M. PRINCE, ESQ.  
Nevada Bar No. 5092  
TRACY A EGLET, ESQ.  
Nevada Bar No. 6419  
JOSEPH J. TROIANO, ESQ.  
Nevada Bar No. 12505  
400 South 7<sup>th</sup> Street, 4<sup>th</sup> Floor  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff*

/s/ Justin W. Smerber, Esq.  
LEW BRANODN, JR., ESQ.  
Nevada Bar No. 5880  
JUSTIN W. SMERBER, ESQ.  
Nevada Bar No. 10761  
MATTHEW WHITTAKER, ESQ.  
Nevada Bar. No. 13281  
630 South Fourth Street  
Las Vegas, NV 89101  
*Attorney for Defendants*

IT IS SO ORDERED.

  
U.S. Magistrate Judge

Dated: March 1, 2018